

J. Lance Andrews  
DBA Andrews Living Trust  
P.O. Box 97  
Tierra Amarilla, NM 87575  
September 5<sup>th</sup>, 2011

**FILED**  
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

11 SEP -7 PM 1:11

**CLERK ALICE MCKEEHUE**

To: Edward G. Newville, Special Assistant DAG  
From: J. Lance Andrews  
Subject: New Deadline Rationale  
Reference: 69cv07941-BB

The original Objection & Response Forms (ORF) were lost in the may lay of a vehicle accident on 08/11/11. However this loss was inadvertently not noticed until 08/30/11. It was only then that I realized that the ORF Folder was in the accident vehicle. (I had taken the folder to a "partiante" meeting in said vehicle.) It was then, 08/30/11 that I called my neighbor, Steve Polaco who provided me with Mr. Newville's contact information. I immediately called Mr. Newville's Office and left a message describing my situation. On Friday, 09/01/11 while enroute out of town, I received Mr. Newville's response voice mail on my cell phone. It informed that he had faxed another ORF to my home. I was out of town through the Holiday week end and accessed the ORF upon my return on Monday 09/05/11. Thus I have completed the ORF and am mailing these today, Tuesday 09/06/11. I indeed wish to have my objections considered. I sincerely appreciate Mr. Newville's telephone response and consideration of my unusual circumstances!

Sincerely,

  
J. Lance Andrews

DBA Andrews Living Trust

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICOSTATE OF NEW MEXICO, *ex rel.*

State Engineer

Plaintiff,

69cv07941-BB

vs.

RIO CHAMA STREAM SYSTEM

ROMAN ARAGON, *et al.*

Section 7, Rio Brazos

Defendants.

**OBJECTION AND RESPONSE TO NOTICE AND ORDER TO SHOW CAUSE**

I have been served with the Notice and Order to Show Cause concerning the determination of priorities and irrigation water requirements in the adjudication of the Rio Brazos Subsection of Section 7 of the Rio Chama Stream System. I object to (check all that apply):

 The priority date proposed for my water right. The priority date proposed for any other water right.Please describe this water right or ditch Porvenir The irrigation water requirements proposed for pre-1907 irrigation water rights in the Brazos Subsection. The irrigation water requirements proposed for lands irrigated under a final license issued by the State Engineer.Please describe this water right or ditch Porvenir

I understand that I will be notified of a mandatory scheduling and pretrial conference.

**PLEASE PRINT CLEARLY**J. Lance Andrews  
FULL NAME(s): DBA Andrews Living Trust subfile No. 6:69-cv-07941-BBMAILING ADDRESS: P.O. Box 97, Tijeras Amanilla, NM 87575TELEPHONE NO.: Home 575-588-7414 cell 505-927-1807SIGNED J. Lance Andrews DATE: 09/05/11

SEE REVERSE SIDE

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IN THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*  
State Engineer,

Plaintiff,  
v.

ROMAN ARAGON, *et al.*,

Defendants.

6:69-cv-07941-BB

RIO CHAMA STREAM SYSTEM

Section 7, Rio Brazos

**NOTICE AND ORDER TO SHOW CAUSE**

ANDREWS LIVING TRUST  
c/o J. LANCE ANDREWS  
P.O. BOX 97  
TIERRA AMARILLA NM 87575

Subfile No.: CHRB-004-0048

Ditch or Acequia

POR VENIR DITCH

Priority Dates

You are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the priority date for your water right and ditch, or the priority date for any other community or private ditch in the Rio Brazos Subsection of Section 7 ("Brazos Subsection") as described below.

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DITCH	PRIORITY DATE
Park View Ditch	1861
Ensenada Ditch	1861
Porvenir Ditch	1894
Los Brazos Community Ditch	1861
Ojitos Ditch	1861
Martinez Ditch	1861
Brazito Ditch Lateral	1861
La Puente Ditch	1861
Acequia de las Tres Plumas	1880

DITCH	PRIORITY DATE
Park View Ditch	1861
Ensenada Ditch	1861
Porvenir Ditch	1894
Los Brazos Community Ditch	1861
Ojitos Ditch	1861
Martinez Ditch	1861
Brazito Ditch Lateral	1861
La Puente Ditch	1861
Acequia de las Tres Plumas	1880

These priority dates described above will apply to all individual irrigation water rights served by the ditches listed, unless you or other parties file objections. The priority dates for ditches listed above will also apply to a spring that serves as a source of water for irrigators under those ditches, and which is described in an individual subfile order filed with the Court.

You are hereby notified that you are required to file an objection with the Court if you disagree with the State's proposed determination of the ditch-wide priority dates for lands in the Brazos Subsection that are irrigated under final licenses issued by the Office of the State Engineer, as described below:

<u>DITCH</u>	<u>OSE LICENSE</u>	<u>PRIORITY DATE</u>
Chavez Creek No. 2	No. 965	February 19, 1915
Rice Ditch	No. 2059	March 25, 1935
Phil Corkin Infiltration Gallery	No. 2541	October 22, 1945

You are hereby notified that you are required to file an objection with the Court if you disagree with the State's proposed determination of the priority dates for the water rights of the following defendants under the Chavez Creek Ditch in the Brazos Subsection, as described below.

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<u>DEFENDANTS</u>	<u>DITCH</u>	<u>PRIORITY DATE</u>
CHRB-004-0049A Tony Casados, Sr. & Sons Partnership	Chavez Creek Ditch	1892
CHRB-003-0001 Debbie L. Garcia Anthony T. Garcia J. Patrick Garcia Munira K. Garcia J. Placido Garcia, Jr.	Chavez Creek Ditch	1894
CHRB-003-0002 Alvin Eversgerd Belva Eversgerd	Chavez Creek Ditch	1894

**Irrigation Water Requirements**

You are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the irrigation water requirements for surface water irrigation use under pre-1907 ditches located in the Brazos Subsection, as described below:

- a. The weighted consumptive irrigation requirements (CIR) is 1.11 acre-feet per acre per annum.
- b. The farm delivery requirement (FDR) is 2.78 acre-feet per acre per annum.
- c. The project diversion requirement (PDR) is 4.63 acre-feet per acre per annum.

The ditches in the Brazos Subsection to which the above amounts apply are all of the ditches identified above with the exception of Chavez Creek No. 2, Rice Ditch and Phil Corkin Infiltration Gallery.

You are hereby notified that you are required to file an objection with the Court if you disagree with the State's proposed determination of the irrigation water requirements for surface water irrigation use on lands in the Brazos Subsection that are irrigated under final licenses issued by the Office of the State Engineer, as described below:

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Chavez Creek No. 2:

- a. The weighted consumptive irrigation requirement (CIR) is 1.11 acre-feet per acre per annum.
- b. The farm delivery requirement (FDR) is 1.34 acre-feet per acre per annum.
- c. The project diversion requirement (PDR) is 2.23 acre-feet per acre per annum.

Rice Ditch:

- a. The weighted consumptive irrigation requirement (CIR) is 1.11 acre-feet per acre per annum.
- b. The farm delivery requirement (FDR) is 1.51 acre-feet per acre per annum.
- c. The project diversion requirement (PDR) is 2.52 acre-feet per acre per annum.

Phil Corkin Infiltration Gallery

- a. The weighted consumptive irrigation requirement (CIR) is 1.11 acre-feet per acre per annum
- b. The farm deliver requirement (FDR) is 1.50 acre-feet per acre per annum.
- c. The project diversion requirement (PDR) is 2.50 acre-feet per acre per annum

The term "Consumptive Irrigation Requirement" ("CIR") refers to the quantity of water, expressed in acre-feet per acre per year, exclusive of effective precipitation, that is consumptively used by plants or is evaporated from the soil surface during one calendar year. The term "Farm Delivery Requirement" (FDR) refers to the quantity of water expressed in acre-feet per acre per year, exclusive of effective precipitation, delivered to the farm headgate or which is diverted from a source of water which originates on the farm itself, such as a well or spring, necessary to satisfy the consumptive irrigation requirements of crops grown on a farm in one calendar year. The Project

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Diversion Requirement" (PDR) or off-farm diversion requirement is defined as the quantity of water, exclusive of effective precipitation, which is diverted from the stream or an off-farm source to satisfy the farm delivery requirement for one calendar year. The irrigation water requirements set forth above do not include diversion requirements associated with stockponds or other impoundments determined to have valid water rights in these proceedings.

If you agree with the priority dates and irrigation water requirements described above, you do not need to take any action. If any objections are filed by any persons, you will be notified of the objections and may participate in the proceedings to resolve those objections. If no objections are filed, the Court will enter an order that recognizes those elements of your water rights and the water rights of other surface water users in the Brazos Subsection as described above. If you disagree, you must follow the instructions below.

In the absence of any objections, you will have no other opportunity in these proceedings to object to the determination of priority dates or irrigation water requirements in the Brazos Subsection, and subsequent *inter se* proceedings in the Brazos Subsection will not include the opportunity to object to those determinations.

**IT IS THEREFORE ORDERED THAT** if you object to any of the priority dates stated above, or to the irrigation water requirements for surface water irrigation use in the Brazos Subsection as stated above, you must file the form entitled **Objection and Response to Notice and Order to Show Cause** with the Court, in person or by mail **FOR RECEIPT NO LATER THAN SEPTEMBER 2, 2011.**

United States District Court Clerk  
333 Lomas Blvd. NW, Suite 270  
Albuquerque, NM 87102

If you timely file an objection the Special Master will notify you of a mandatory scheduling and pretrial conference, where you will learn how objections will be heard by the Court. This will be your only opportunity to object to these elements of your water rights in the Brazos Subsection. If

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you fail to timely object and attend the scheduling and pretrial conference you may not raise objections in the future.

If you have any questions, call or write:

Edward G. Newville  
Special Assistant Attorney General  
Office of the State Engineer  
P.O. Box 25102  
Santa Fe, NM 87504-5102  
(505) 867-7444 phone  
(505) 867-2299 facsimile

or,

John W. Utton  
Attorney for Asociación de Acueductos  
Nortenos de Rio Arriba  
Sheehan, Sheehan & Stelzner PA  
P.O. Box 271  
Albuquerque, NM 87103-0271  
(505) 699-1445  
(505) 842-8890



**BRUCE D. BLACK**  
UNITED STATES DISTRICT JUDGE

Approved:

/electronic signature/  
VICKIE L. GABIN  
SPECIAL MASTER

**MAIL OR DELIVER FOR RECEIPT NO LATER THAN SEPTEMBER 2, 2011 TO:**

United States District Court  
333 Lomas Blvd. NW, Suite 270  
Albuquerque, NM 87102